

Appl. 10/579,168  
U.S. National Phase of PCT/GB2004/004788  
Statement of Biological Deposit

Attorney Docket No. 36290-0409-00-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent application of: Karl MULLIGAN *et al.*

Application No: 10/579,168  
(International Application No: PCT/GB2004/004788)

Filed: (International Application: 15 November 2004 (15.11.2004))

For: CANCER DIAGNOSIS AND THERAPY

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF BIOLOGICAL DEPOSIT**

The following cell line was deposited pursuant to the Budapest Treaty in the European Collection of Cell Cultures (ECACC):

Accession Number  
03073001

Deposit Date  
July 30, 2003

Attached are the ECAAC deposit receipt and viability statement.

All restrictions imposed on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)	
<p>I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>	
BY	<u>Jennifer R. Harris</u>
DATE:	<u>12/5/06</u>

Respectfully submitted

KARL MULLIGAN *et al.*

BY 

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# Health Protection Agency, Porton Down and European Collection of Cell Cultures

This document certifies that  
Hybridoma MQ1  
Deposit Reference 03073001

has been accepted as a patent deposit, in accordance with  
The Budapest Treaty of 1977,  
with the European Collection of Cell Cultures on  
30 July 2003

ECACC Patent Supervisor

## APPENDIX 3

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BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

TO  
DR K MULLIGAN  
QUEEN'S UNIVERSITY BELFAST  
DEPT OF ONCOLOGY  
U FLOOR  
BELFAST CITY HOSPITAL  
BELFAST  
BT9 7AB  
UK

## INTERNATIONAL FORM

NAME AND ADDRESS  
OF DEPOSITOR

## I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the  
DEPOSITOR:

MQ1

Accession number given by the  
INTERNATIONAL DEPOSITORY AUTHORITY:

03073001

## II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:



A scientific description



A proposed taxonomic designation

(Mark with a cross where applicable)

## III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I above,  
which was received by it on 30 July 2003 (date of the original deposit)<sup>1</sup>

## IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International  
Depository Authority on (date of the original deposit) and  
A request to convert the original deposit to a deposit under the Budapest Treaty  
was received by it on (date of receipt of request for conversion)

## IV. INTERNATIONAL DEPOSITORY AUTHORITY

Name: ECACC Patent Supervisor  
Address: European Collection of Cell cultures  
(ECACC)  
Centre for Emergency Preparedness  
and Response  
The Health Protection Agency  
Porton Down  
Salisbury SP4 0JG

Signature(s) of person(s) having the power  
to represent the International Depository  
Authority or of authorized official(s):

Date: 11/11/06

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired

## APPENDIX 3

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BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

TO  
DR K MULLIGAN  
QUEEN'S UNIVERSITY BELFAST  
DEPT OF ONCOLOGY  
U FLOOR  
BELFAST CITY HOSPITAL  
BELFAST  
BT9 7AB  
UK

VIABILITY STATEMENT  
Issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified on the following page

NAME AND ADDRESS OF THE PARTY  
TO WHOM THE VIABILITY OF STATEMENT  
IS ISSUED

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: DR K MULLIGAN QUEEN'S UNIVERSITY BELFAST DEPT OF ONCOLOGY U FLOOR Address: BELFAST CITY HOSPITAL BELFAST BT9 7AB UK	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:  03073001  Date of the deposit or of the transfer:  30 July 2003
II. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 30 July 2003 <sup>1</sup> . On that date, the said microorganism was <input checked="" type="checkbox"/> <sup>3</sup> viable <input type="checkbox"/> <sup>3</sup> no longer viable	

- 1 Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most relevant date (date of the new deposit or date of the transfer).
- 2 In the cases referred to in Rule 10.2 (a) (ii) and (iii), refer to the most recent viability test.
- 3 Mark with a cross the applicable box.

Form BP/4 (first page)

## Appendix 3

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IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED		
THE PATENT DEPOSIT MQ1 - ACCESSION NUMBER 03073001 WAS TESTED FOR VIABILITY USING THE TRYPAN BLUE DYE EXCLUSION METHOD AND A HAEMOCYTOMETER. THE CELLS WERE 84% VIABLE AT RESUSCIATION. THEY WERE SEEDED AT $5.1 \times 10^5$ CELLS/ML AND WERE SHOWING GOOD GROWTH AFTER 24 HOURS WITH PLENTY OF ROUND REFRACTILE CELLS.		
II. INTERNATIONAL DEPOSITARY AUTHORITY		
Name:	ECACC Patent Supervisor	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: <u>ESR</u> <u>11/11/06</u>
Address:	European Collection of Cell cultures (ECACC)	
	Centre for Emergency Preparedness and Response	
	The Health Protection Agency	
	Porton Down	
	Salisbury SP4 0JG	

4 Fill in if the information has been requested and if the results of the test were negative.

Form BP/9 (second and last page)